

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DONNIE SCOTT,  
Plaintiff,  
v.  
ERIC GOLDING, et al.,  
Defendants.

Case No. [19-cv-06046-HSG](#)

**ORDER DENYING AS MOOT  
EXTENSION OF TIME TO OPPOSE  
WAIVER OF REPLY; GRANTING  
EXTENSION OF TIME TO FILE  
DISPOSITIVE MOTION**

Re: Dkt. Nos. 15, 16

Plaintiff, an inmate at California State Prison – Los Angeles County, filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983 alleging that officials at Pelican Bay State Prison, where he was previously housed, violated his constitutional rights. Now pending before the Court are (1) plaintiff's request for an extension of time to oppose defendant Golding's waiver of reply (Dkt. No. 16) and (2) defendant Golding's request for an extension of time to file his dispositive motion (Dkt. No. 15).

Plaintiff has requested a three-day extension of time to file a response to defendant Golding's waiver of reply, docketed on January 29, 2020 at Dkt. No. 14. Dkt. No. 16. This request is DENIED as moot. No reply to a waiver of reply is required or allowed. Plaintiff states that he has realized that he needs to amend his first amended complaint (Dkt. No. 12)<sup>1</sup> to remove Jim Robertson from the face of the amended complaint and to remove his due process and equal protection claims, so that he may proceed solely with the claims found cognizable and solely against the defendants upon whom the Court has ordered service of summons. Dkt. No. 16 at 2. The effect of the Court's January 21, 2020 screening order is that Jim Robertson has been

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<sup>1</sup> The Court mistakenly referred to the first amended complaint (Dkt. No. 12) as a second amended complaint in the January 21, 2020 screening order. Dkt. No. 13.

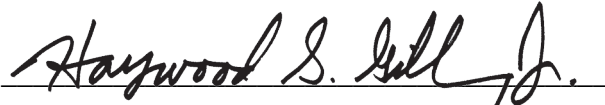
1 dismissed from this action, and that the due process and equal protection claims have been  
2 dismissed from this action. Plaintiff need not amend his first amended complaint to list only  
3 cognizable claims and the served defendants in order for the Court's January 21, 2020 screening  
4 order to have effect.

5 Good cause being shown, defendant Golding's request for an extension of time to file his  
6 dispositive motion is GRANTED. Dkt. No. 15. The Court resets the briefing schedule as follows.  
7 Defendants shall file their dispositive motion within **ninety-one (91) days** of the date of this order.  
8 Plaintiff's opposition to the summary judgment or other dispositive motion must be filed with the  
9 Court and served upon defendants no later than 28 days from the date the motion is filed.  
10 Defendants shall file a reply brief no later than 14 days after the date the opposition is filed. The  
11 motion shall be deemed submitted as of the date the reply brief is due.

12 This order terminates Dkt. Nos. 15 and 16.

13 **IT IS SO ORDERED.**

14 Dated: 2/20/2020

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16 HAYWOOD S. GILLIAM, JR.  
17 United States District Judge  
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